

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 16

UNITED STATES PATENT AND TRADEMARK OFFICE

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**PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES**

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROE-KWAN KIM

Appeal No. 2002-1006
Application No. 09/132,351

ORDER REMANDING TO EXAMINER

On page 3 of the Examiner's Answer mailed August 13, 2001 (Paper No. 13), the examiner listed the following references under the heading "(9) Prior Art of Record";

6,026,296	Sanders, III et al	2-2000
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However, it is noted that the Huotari reference (5,987,323) and the Alanara et al reference (5,878,351) cited on pages 5-14 of

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the Examiner's Answer under the heading "Claims Rejections - 35 USC § 103" are not included as "Prior Art of Record." In accordance with § 1211 of the Manual of Patent Examining Procedure (MPEP) (7th Ed., Rev. 1, Feb. 2000), clarification is required regarding the pertinence of the Huotari and Alanara et al. references. In addition, MPEP § 1208(A)(9) states:

(A) REQUIREMENTS FOR EXAMINER'S ANSWER.
The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . .

(9) References of Record. A listing of the references of record relied on, and, in the case of nonpatent references, the relevant page or pages.

If appropriate, compliance with MPEP § 1208(A)(9) is required in listing the Huotari and Alanara et al. references under the heading "Prior Art of Record" appearing in the Examiner's Answer mailed August 13, 2001 (Paper No. 13).

Accordingly, it is

ORDERED that the application is remanded to the examiner:

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1. for clarification under MPEP § 1211 regarding the pertinence of the Huotari and Alanara et al. references listed on pages 5-14 of the Examiner's Answer mailed August 13, 2001 (Paper No. 13);

2. if appropriate, for compliance with MPEP § 1208(A)(9) by listing the Huotari and Alanara et al. references in a Supplemental Examiner's Answer under the heading "References of Record"; and

3. for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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